

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

LISA HOFFERT,	:	
Plaintiff	:	Civil Action
	:	Case No.: 09-725
vs.	:	
	:	
ALVERNIA COLLEGE	:	(Judge Sanchez)
Defendant	:	

**PLAINTIFF'S PRETRIAL MEMORANDUM**

**SUMMARY STATEMENT OF FACTS**

Plaintiff initiated this action against Defendant on or around November 17, 2008, after she was wrongfully discharged from employment with Defendant. Plaintiff began employment with Defendant on or around May 9, 2005 as a secretary in the Office of the President for Alvernia. Throughout her employment, Plaintiff has received only outstanding job evaluations and was never disciplined for performance and/or conduct.

On or around October 12, 2005, Plaintiff was involved in a severe motor vehicle accident in which she sustained permanent, traumatic brain injuries. Said injuries left her with problems multitasking, short-term memory, and attention/concentration difficulties, all of which are considered permanent disabilities. Plaintiff has provided Defendants with numerous medical records stating such, and has made her immediate supervisor aware of these impairments, and verbally requested appropriate and reasonable accommodations.

On around January 2, 2007, Plaintiff was terminated from employment in which Defendant stated it was due to departmental restructuring, and Plaintiff's position being eliminated. However, immediately following Plaintiff's termination, her former position was filled by another individual. She was never transferred to another department within the College,

although she requested any other position including janitorial, nor was she ever considered for another position even though she applied for such on three (3) different occasions. Plaintiff believes she was terminated due to her disability

**STATEMENT OF UNDISPUTED FACTS**

None.

**DAMAGES**

1. Financial Losses:
    - A. Loss of Wages...\$32,000/yr [01/02/07] for 1 & 1½ yrs.....\$48,000.00
    - B. \$8,000.00/yr offset of lesser wage for ½ year & ongoing.....\$8,000.00
    - C. Subtraction of unemployment 26 weeks.....-\$4,200.00
  2. Benefits, medical, dental, FICA & retirement - ongoing.....\$6,500.00
  3. Attorney Fees:.....\$14,000.00
- TOTAL OF ABOVE .....\$ 72,300.00**

**WITNESSES AND EXPERTS**

1. Lisa Hoffert
2. Judith Bohler
3. Stacey Yerger
4. Suzanne Miller
5. Dr. Thomas Flynn

**SUMMARY OF EXPERT TESTIMONY**

None.

**COMMENTS ON PLEADINGS AND DISCOVERY**

None.

**LEGAL ISSUES**

1. Violation of Americans with Disability Act
2. Wrongful termination

**ESTIMATE OF DURATION OF TRIAL**

Approximately one to two (1-2) days.

**OTHER PERTINENT MATTERS TO THE CASE**

1. None known to Plaintiff at time of submission; however, Plaintiff reserves the right to add and amend.


**SCHEDULE OF EXHIBITS**

Plaintiff may utilize some or all of the following exhibits:

1. Plaintiff's Complaint
2. Plaintiff's medical records and/or doctor reports
3. Any and all depositions taken
4. Plaintiff's employment file and evaluations
5. Employment adds placed by Alvernia College

Respectfully submitted,

Dated: 1/11/2010



Stanley J. Brassington, Esquire  
Attorney for Plaintiff  
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(570) 385-5500

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**CERTIFICATE OF SERVICE**

I, Stanley J. Brassington, hereby certify that I am this day filing via ECF and that Michael J. Crocenzi, Esquire, counsel for Defendant, is a filing user under the ECF system. Upon filing a pleading electronically, the ECF system will automatically generate and send a notification to all filing users associated with this case, and no additional service of the filed document is necessary.

Date: \_\_\_\_\_

1/10/10

BY: \_\_\_\_\_

Stanley J. Brassington, Esquire

